

HOUSE BILL REPORT

ESSB 6604

As Passed House - Amended:
March 2, 2010

Title: An act relating to flexibility in the education system.

Brief Description: Providing flexibility in the education system.

Sponsors: Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Hobbs, King, McAuliffe, Oemig, Tom, Brandland, Holmquist, McDermott and Kline).

Brief History:

Committee Activity:

Education: 2/17/10, 2/23/10 [DPA].

Floor Activity:

Passed House: 3/2/10, 94-3.

**Brief Summary of Engrossed Substitute Bill
(As Amended by House)**

- Removes requirements that school districts prepare Student Learning Plans for students in grades 5, and 9 through 12, who are not successful on state assessments or not on track to graduate, but retains the requirement for students in grade 8.
- Makes most actions by school districts in response to unexcused absences by students optional rather than mandatory, including filing of truancy petitions.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass as amended. Signed by 13 members: Representatives Quall, Chair; Maxwell, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dammeier, Fagan, Hunt, Johnson, Liias, Orwall, Probst, Santos and Sullivan.

Staff: Barbara McLain (786-7383).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Student Learning Plans.

Legislation enacted in 2004 requires school districts to prepare Student Learning Plans (SLPs) for all students in grades 5, and 8 through 12 who are not successful on one or more of the state assessments of student learning. The law was later amended to include students who are not on track to graduate. Districts must notify the student's parents or legal guardians about the information in the SLPs. The SLPs must contain information about the courses, competencies, and other steps needed to be taken by the student to meet the state standards, remediation strategies, and options that will be made available for the student, and actions the school district intends to take to improve the student's skills.

Truancy.

School districts are required to take the following actions in response to unexcused absences by any student over age 7:

- After one unexcused absence in a month, the school must inform parents in writing or by phone of potential consequences of continuing absences.
- After two unexcused absences in a month, the school must schedule a conference with the parents and take steps to reduce absences.
- After five unexcused absences in a month, the district must enter into an attendance agreement with the student and parent, refer the student to a community truancy board, or file a truancy petition with the court.
- After seven unexcused absences in a month or 10 unexcused absences in a year, the district must file a truancy petition with the court.

Similar requirements apply to 6- and 7-year-old students, except that the district is not required to take specific action until after the fifth unexcused absence in a month.

Upon receipt of a truancy petition, the court must either schedule a hearing on the petition or refer the case to a community truancy board. If the court finds the student to be truant, the court may order the student to attend school, change schools, or appear before a community truancy board. If the student continues to be truant, the school or the court may file a contempt of court motion and various sanctions may be imposed.

In a 2009 report, the Washington State Institute for Public Policy (WSIPP) estimated that school districts spent \$2.7 million in the 2007-08 school year for personnel to file truancy petitions and contempt motions and to attend hearings. In that same year, the Legislature appropriated \$1.8 million to reimburse school districts for truancy petition costs. Also according to the WSIPP, the courts incurred \$15.4 million in estimated costs for truancy petitions filed during the 2007-09 biennium compared to state reimbursement for truancy cases of \$8.9 million.

Summary of Amended Bill:

Student Learning Plans.

School districts are only required to prepare the SLPs for students in grades 8 who were not successful on the state assessments or who may not be on track to graduate.

Truancy.

The requirements that a school provide notice, schedule conferences, and take other steps when a student has unexcused absences are limited to students in the sixth grade or above. Schools have the option to take these actions for students in the fifth grade or below. A school district may, but is not required to, take certain steps when a student has five unexcused absences in a month and file a truancy petition after seven unexcused absences in a month or 10 in a year. Notice of an unexcused absence to a parent may be made by electronic mail, and parent conferences concerning unexcused absences may be by telephone or in person.

Appropriation: None.

Fiscal Note: Available for original bill.

Effective Date of Amended Bill: This bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) It is important to keep in mind every time the Legislature passes a new law, the question should be asked of whether it creates yet another unfunded mandate. This year in particular, school districts are facing serious budget problems. We need to give them more flexibility. Student learning plans lack added value. Other activities that have been supported by the Legislature, such as Navigation 101 and high school and beyond plans, are much more meaningful. There has been no parent support or feedback on student learning plans. We have been wanting to reduce unfunded mandates for years. We appreciate this as a first step and appreciate the legislators who are trying to bring it forward again.

(In support with concerns) The provisions removing student learning plans are very supported. Student learning plans were a good idea in theory but have proven to be a paperwork exercise. There is concern about losing additional teachers due to budget cuts; there simply is not enough staff time to complete these plans. There is strong support to repeal these plans. The provisions regarding green building requirements are supported; these requirements are very expensive to meet and they can only be supported if adequately funded.

The provisions regarding the Washington State School Directors' Association (WSSDA) should be removed. The WSSDA is an integral partner in the overall school system and they provide important advocacy and representation. The WSSDA was created in statute in 1947 with a mission to coordinate representation of all school districts in the state. It was important at the time, and the education system is far more complex today.

(Opposed) Flexibility is supported, but the provision regarding the Financial Education Public Private Partnership actually creates less flexibility by limiting activity only if there are private funds available. There is likely to be federal funding in the area of financial literacy that could be used.

Persons Testifying: (In support) Senator Hobbs, prime sponsor; Jerry Bender, Association of Washington School Principals; Barbara Mertens, Washington Association of School Administrators; and Mitch Denning, Alliance of Education Associations.

(In support with concerns) Lucinda Young, Washington Education Association; Dan Steele, Washington State School Director's Association; and Bob Butts, Office of Superintendent of Public Instruction.

(Opposed) Terry Kohl, Washington Credit Union.

Persons Signed In To Testify But Not Testifying: None.